

REMARKS/ARGUMENTS

In the Office Action, Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 586,350, issued to Avery ("*Avery*"); Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Avery*; and Claims 2-8 and 11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter that Applicant regards as the invention. In addition, Claims 5-8 have been indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, as set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. The Applicant thanks the Examiner for the indication of allowable subject matter.

By this response, Claims 1-5, 7, 9, 10, and 11 have been amended, Claim 12 has been added, and no claims have been canceled. Therefore, Claims 1-12 are pending in this application.

35 U.S.C. § 112 ¶2 Claim Rejections

Claims 2, 3, 5, 7, and 10 have been amended to more particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. As such, the Applicant submits that Claims 2, 3, 5, 7, and 10 are now in condition for allowance and respectfully requests that these claims be allowed to issue.

35 U.S.C. § 102(b) Claim Rejections

Avery

Avery discloses a hoisting and conveying machine using a wheel A with a groove s at its periphery. Wheel A is provided with a central spindel a. At both ends of spindel a there are pendent bars H, H', the lower ends of which are held together by a horizontal bar W. Ropes or bands E, F are fixed at both sides of wheel A at spindel a and are fixed at their lower most ends with a cross-bar G which is capable to hold a weight. When wheel A runs along a rope B, ropes E, F are wound each one on itself on the shaft a (see figure 3 and page 2, line 127).

In contrast, the present invention includes two or more bands wound up on the lifting drum so as to lie alternatingly one on top of the other. And, aside from the different principle of function of *Avery* compared to the present invention, there is a major difference involving the means in which the bands are wound up. That is, according to the present invention, a suitable

amount of bands can be utilized as is necessary to carry a certain load. This amount can be even or odd and is only limited by practical reasons depending on the thickness of the single bands. The space used in axial dimension does not increase with an increase in the amount of bands; therefore, geometrical problems do not occur with the present invention.

Avery fails to disclose or suggest the Applicant's claimed invention, namely at least, a plurality of bands capable of being wound upon on a lifting drum with accurate tracking so as to lie alternately one on top of the other. Because *Avery* fails to disclose each and every element of Applicant's Claim 1, as amended, Claim 1 is not anticipated by *Avery*.

Claims 2-12 ultimately depend on Claim 1, which the Applicant respectfully submits has been shown to be patentably distinct over *Avery*. For the same reasons that Claim 1 is patentable over *Avery*, dependent Claims 2-12 are also patentable over *Avery*.

Also, the other cited documents concerning lifting apparatuses do not exhibit such feature. So, amended Claim 1 is also inventive over any combination of '350 and other cited documents concerning lifting apparatuses.

35 U.S.C. §103(a) Claim Rejections

Avery

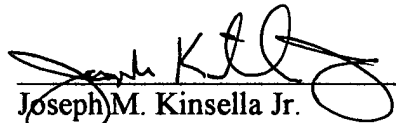
As shown above, *Avery* fails to disclose each and every element of Claim 1 of the application. Furthermore, *Avery* fails to teach or suggest modification of each and every element of the Applicant's Claim 1. As such, Claim 1 is not rendered obvious in view of *Avery*. Claims 2-12 ultimately depend on Claim 1—which is now believed to be allowable—and includes every element thereof. For the same reasons that Claim 1 is not obvious in view of *Avery*, dependent Claims 51-12 are also not obvious in view of *Avery*.


CONCLUSION

The Applicant respectfully submits that the pending claims are in condition for allowance and requests removal of the rejections. Although the Applicant believes that no additional fees are required with this correspondence, if any fees are required, the Commissioner is authorized to debit Applicant's Deposit Account 50-0545. Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

Dated: February 17, 2006


Joseph M. Kinsella Jr.
Reg. No. 45,743
One of Applicant's Attorneys

CERTIFICATE OF MAILING
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope Addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 17, 2006</p> <p> Jacqueline Vega</p>